

CITY OF BRAWLEY

June 21, 2011

The City Council of the City of Brawley, California met in a Regular Meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by **Mayor Campbell** @ 6:00 PM

The invocation was offered by **Pastor Mike Neciuk, El Redentor**

The pledge of allegiance to our flag was led by **CM Kelley**

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava

ABSENT: None

APPROVAL OF AGENDA

The agenda was **approved** as amended. m/s/c Nava/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava

NAYES: None

ABSTAIN: None

ABSENT: None

Item 5-a Public Hearing: Discuss/approve Urban Water Management Plan ***was moved to a later time in the meeting.***

Item 6-c Discussion and adoption of Resolution No. 2011- : Resolution of the City Council of the City of Brawley, California reassigning the position of Records Administrator as a City Employee reporting to the City Manager ***was pulled from agenda.***

1. PUBLIC APPEARANCES/COMMENTS

Mayor Campbell thanked Police Chief for taking over.

Gustavo Sanchez of La Paloma Subdivision said he was here with concerns of weeds growing on empty lots, we had a wind storm and that dragged weeds into many properties.

Mayor Campbell told Mr. Sanchez that we will work something with you guys.

CA Morita stated that litigation is involved and concerns have been communicated to the bonding company.

CM Nava directed staff to look into this matter.

Jo Shields said she had numerous complaints one was the change of day for trash pickup and that the cans are emptied at different times, she wanted to thank Police Department for fast response to the office of Western Properties and about the loans to Larry Allen.

Mayor Campbell stated I think that we have been more than fair.

CM Nava commented that we don't run private businesses so there is no city involvement with Mr. Allen.

CM Kelley mentioned that we have gone through a lot of material the city is not in a positive position; there was a credit crunch and more than one loan.

CA Morita indicated that we have signed a settlement to fully reimburse our cost and attorney fees.

Lupe Navarro said the city gave him a loan and he started asking for forgiveness in 1980. When city loans money they should pay back.

Sam Palomares of K-Hovnanian Subdivision stated there are tumble weeds, salt cedar trees, a dumping site of construction debris. They are doing this at night why can't you put k-rails?

CM Nava told Mr. Palomares that we will contact the developer.

CM Kelley asked about weed abatement on properties.

BO Francisco Soto said we will bring an update to Council at next meeting. We are having the same issue on River Drive and Malan/Cesar Chavez.

Art Reyes asked about closed session, process of what litigation? Answer: Communicating with Council and letting them know what is going on. We are discussing certain matters. (**Morita**)

2. PRESENTATIONS

a. UPDATE BY NATIONAL BEEF ON PRETREATMENT CONSTRUCTION

Brian Webb President of National Beef presented a power point presentation and stated that their timeline to fix all their problems with TSS and Ammonia was approximately 90 days with a completion date of October 1, 2011.

PWD Arellano mentioned that some of the information included on the tables presented on the power point presentation was not accurate and that the information was manipulated to show that National Beef was not creating an impact to the City's wastewater treatment plant system. National Beef's excessive TSS discharge over the year had created excessive accumulation of sludge in sedimentation pond S-1 at the wastewater plant. Yazmin offered to meet with National

Beef prior to the July 26, 2011 hearing by the Cease and Desist Order to go over the numbers presented tonight.

Ms. Parthy Evans Attorney for National Beef mentioned that she did not care what engineers had to say and that it was highly irregular to issue a cease and desist order for a pond cleanout and problems discharging and that they would seek a legal avenue if the City did not rescind the order.

President Webb proceeded to say that the people were their greatest assets and that National Beef is here to stay. The work will be completed by October, it's not about funds we spend here, it's about our obligation to the city and to our employees and we look to move forward.

Mayor Campbell stated that we are here to help the National Beef family and partner with you.

Bill Brandt stated that the history goes back to when Tom Vessey was a Board of Supervisor and they pulled to Brawley. The packing plant we had was gone the future of cattlemen here in the valley was also going away. We had to build something and this plant was in over a year and it can't get any better.

Mayor Campbell mentioned that we are trying to work with them.

Paul Cameron stated that he employees 32 people, National Beef is customer based company and if it shuts down it will tremendously hurt the feed yards here in the valley. This is a quality company.

Art Reyes said that he lived one (1) mile from National Beef and the odor is bad. I believe fines should be paid and hopefully soon.

Mayor Campbell stated that anywhere there is a beef plan you are going to have odor.

CM Nava concurred with **Mayor Campbell** on the odor issue. We want to help businesses here in the City with different entities.

CM Miranda asked you are saying that you will be finished by October of 2011? **Answer:** Yes. (**Webb**)

Mayor Campbell mentioned that paying the full rate and the odor is accountable for modifications that should take care of everything.

City staff will meet and work with National Beef on the cease/desist order.

RECESS @ 7:30 PM

RECONVENED @ 7:40 PM

**b. POTENTIAL BONDING CAPACITY FOR THE LTA – MEASURE D
PROGRAM–MARK BAZA OF ICTC**

Staff Report - Jerry Santillan, Assistant County Executive Officer

Gary Cabrera, President of Cabrera Capital Markets, LLC

Carmen Vargas, Senior Vice President at Cabrera Capital Markets, LLC

Mark Baza, Executive Director Imperial County Transportation Commission

Don Hunt, Law Firm of Fulbright & Jaworski

Measure D is a sales tax measure implemented in 2010 that authorizes the imposition and collection of one half percent (0.5%) Retail Transaction and Use tax for 40 years. Measure D provides funds for transportation programs and projects. The presentation given covered the bonding of the Measure D allocation of the City of Brawley, County of Imperial, City of Calipatria, City of Holtville, City of Imperial, City of Westmorland and the City of Calexico for 20 years. The City of Brawley will receive \$10,009,167 as a project fund, \$926,250 as a debt service fund, \$79,468 for a cost of issuance, \$101,385 underwriter's discount for a total of \$11,116,270. By participating in this financing, the City will benefit from the proportional distribution of some of the costs of the issuance.

Mayor Campbell mentioned that this is for a stronger bonding authority.

ACEO Santillan concluded by saying that this reduces cost and doesn't impede with the general fund.

3. DEPARTMENTAL REPORTS

PWD Arellano showed a picture of new Fire Station and Wastewater Treatment.

4. CONSENT AGENDA

The consent agenda was ***approved*** as followed: m/s/c Miranda/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava

NAYES: None

ABSTAIN: None

ABSENT: None

- a. ***Approval*** of Accounts Payable Register: June 9, 2011.
- b. ***Adopt*** 2nd Reading of Ordinance No. 2011-02: Ordinance of the City Council of the City of Brawley, California amending Chapter 17 relating to truck parking.
- c. ***Approve*** Resolution No. 2011-23: Resolution of the City of Brawley, California to tax defer member paid contributions – IRC 414 (h) (2.).

- d. **Approve** Resolution No. 2011-24: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2005-1 of the City of Brawley (**Victoria Park**) authorizing the levy of Special Taxes within Community Facilities District No. 2005-1 for Fiscal Year 2011-2012.
- e. **Approve** Resolution No. 2011-25: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2005-3 of the City of Brawley (**La Paloma**) authorizing the levy of Special Taxes within Community Facilities District No. 2005-3 for Fiscal Year 2011-2012.
- f. **Approve** Resolution No. 2011-26: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2005-4 of the City of Brawley (**Latigo Ranch**) authorizing the levy of Special Taxes within Community Facilities District No. 2005-4 for Fiscal Year 2011-2012.
- g. **Approve** Resolution No. 2011-27: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Brawley (**Malan Park**) authorizing the levy of Special Taxes within Community Facilities District No. 2006-1 for Fiscal Year 2011-2012.
- h. **Approve** Resolution No. 2011-28: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2007-1 of the City of Brawley (**Luckey Ranch**) authorizing the levy of Special Taxes within Community Facilities District No. 2007-1 for Fiscal Year 2011-2012.
- i. **Approve** Resolution No. 2011-29: Resolution of the City Council of the City of Brawley, California acting as the Legislative Body of Community Facilities District No. 2007-2 of the City of Brawley (**Springhouse**) authorizing the levy of Special Taxes within Community Facilities District No. 2007-2 for Fiscal Year 2011-2012.
- j. **CFD** No. 2005-2 No special taxes levied see attached letter from Consultant.
- k. **Approve** Resolution No. 2011-30: Resolution of the City Council of the City of Brawley, California supporting Korean War Armistice Day on July 27, 2011.
- l. **Approve** Resolution No. 2011-31: Resolution of the City Council of the City of Brawley, California relative to the establishment of the Imperial Valley University Partnership.

5. PUBLIC HEARING

a. PUBLIC HEARING: DISCUSS/APPROVE URBAN WATER MANAGEMENT PLAN.

Staff Report - Yazmin Arellano, Public Works Director

PW Arellano showed a power point presentation. The city prepared and circulated for public review a draft of the Urban Water Management Plan and properly noticed a public hearing regarding such plan to be held by the City Council at tonight's meeting. The City shall file such plan prior to July 30, 2011.

PUBLIC HEARING OPENED @ 8:22 PM

There were no written comments received by the City Clerk and no one present to comment.

PUBLIC HEARING CLOSED @ 8:24 PM

The council *motioned* to adopt **RESOLUTION NO. 2011-32: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ADOPTING THE URBAN WATER MANAGEMENT PLAN.** m/s/c Kelley/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

6. REGULAR BUSINESS

a. UPDATE BY CITY STAFF ON CONDITIONS AND ISSUES FOR DEVELOPMENTS IN THE VICINITY OF PANNO ROAD/HIGHWAY 86.

Staff Report- Gordon Gaste, Planning Director, Yazmin Arellano, Public Works Director and Francisco Soto, Building Official

A power point presentation was shown actively seeking for grants.

CM Nava asked what the time frame from the company is. Will there be a deterioration of the pool by the time we issue the certificate of occupancy?

Mario Gonzales of Florentine Subdivision wanted to thank staff first of all and we are working on the off-site improvements, re-plastering the pool, and working on final items. We expect the homeowner's association to be in placed in about 30 days.

Mayor Campbell assured *Mr. Gonzales* that city staff will be working with them and your staff has been great to us.

Stuart Chelin of Florentine Subdivision asked council if they had seen the development agreement and now that the City Manager isn't here how do we proceed. **Answer:** You can talk to ICM Gillmore. (*Mayor*)

b. APPROVE AMENDMENT NO. 5 TO TRANSIT AGREEMENT (DIAL-A-RIDE) WITH ISABEL PACHECO DBA SUNRISE DRIVING SERVICES AND THE CITY OF BRAWLEY.

Staff Report-Yazmin Arellano, Public Works Director

Sunrise Driving has a Transit Agreement (Dial-A-Ride) with the City and is interested in continuing to provide services. The contract will expire on June 30, 2011. The City is proposing an extension of the existing contract to June 30, 2012. ICTC is currently working on the preparation of a RFQ and proposals for consolidated Dial-A-Ride services with appropriate Federal, State and local laws and regulations; ICTC is looking at a schedule for the issuance of the request on October/November of 2011, for a review and decision on February/March 2012. ICTC manages the County subsidy LTFSB325, which pays for Dial-A-Ride and has been decreasing the amount over the last three years. The rate has not been increased since an agreement for this type of service dated September 21, 1987 which set the rate at \$1.00 per ride. The City had to carry over expenses over fiscal years beginning in 09/10. Amendment No. 5 will extend the agreement for an additional 12 months and will amend the existing rate being paid by the users to \$1.50 for Adults and \$.75 for child.

The council *motioned* to **APPROVE AMENDMENT NO. 5 TO TRANSIT AGREEMENT (DIAL-A-RIDE) WITH ISABEL PACHECO DBA SUNRISE DRIVING SERVICES AND THE CITY OF BRAWLEY.** m/s/c Miranda/Kelley 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

CM Kelley stated he fully supports the amendment but lower the music.

7. COUNCIL MEMBER REPORTS

- a. *CM Couchman* stated that several people did a good deed for a man who is 98 years old by cleaning up his property. Eric, JJ, Jerry, Rusty, Sam, Miguel performed this public service. Attended the Branding Iron dinner on June 23, 2011.
- b. *CM Miranda* said he attended a CRA meeting in El Centro on Saturday, June 18, 2011. I had the honor of being at the high school graduation ceremonies and a party honoring the high school retirees at Hidalgo Hall that included a dinner and dance. Just a reminder there is a redistricting meeting on Monday.
- c. *CM Kelley* mentioned that he attended graduations for 6 and 8th graders.

- d. **CM Nava** stated he attended a productive meeting with Assemblyman Perez and a Film Commission meeting on Monday.
- e. **Mayor Campbell** said he is not in favor of the letter for the redistricting, I also attended the retirement party at the Hidalgo Hall, the Library grand re-opening and the Branding Iron Dinner and I have a meeting for SCAG in July. I would also like to take this time and thank city staff for their continued hard work.

8. CITY MANAGER REPORT

- a. **ICM Gillmore** stated that he wanted to thank Council for the confidence they have in him. I also attended the High School graduation and thought the tribute they had for Anthony Garcia was great.

7. ADJOURNED TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

None to report

ADJOURNMENT @ 9:02 PM

Alma Benavides